

U.S. patent application no. 10/773,205  
Amendment with RCE in response to office action mailed December 6, 2005

### REMARKS/ARGUMENTS

The office action of December 6, 2005 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-22 are pending in this application. By this amendment, claims 1, 2, 5, 15, 16, 21 and 22 have been amended. Claims 2 and 16 have been amended to rewrite claims 2 and 16 as originally filed in independent form to include the subject matter of independent claims 1 and 15 respectively as originally filed. No new matter has been added. Reconsideration and allowance of the pending claims are respectfully requested.

#### *Allowable claims*

Applicant thanks the Examiner for indicating that claims 2-4 and 16-17 would be allowable if rewritten in independent form to include the subject matter of their respective independent claim and any intervening claims. In view of the allowability of these claims in their original form as indicated in the office action of June 29, 2005 and in view of the examiner's statement of allowable subject matter in the office action of December 6, 2005, Applicant has amended claims 2 and 16 to include the subject matter as originally claimed therein and has rewritten them in independent form to include the subject matter of their base claims as originally filed. Claims 3-4 and 17, which respectively depend from claims 2 and 16, are allowable along with claims 2 and 16.

Applicant thanks the Examiner for allowing independent claim 20.

#### *Claims 1, 5-15, 18-19 and 21-22*

Claims 1, 5, 6, 10, 12, 15, 18, 19 and 21-22 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. patent no. 4,465,277 to Dittrich (Dittrich). Claims 7, 8 and 9 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dittrich. Claims 11, 13 and 14 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dittrich in view of U.S. patent no. 5,098,093 to Dupre (Dupre). Applicant respectfully requests reconsideration and allowance of these claims.

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Dittrich discloses a basketball goal structure that permits "substantial vertical and/or sideways deflection of the hoop by the application of corresponding forces thereto, such as during the practice of dunk shots." Abstract, lines 5-6. Dittrich relies on multiple devices to provide deflection of the hoop. In particular, Dittrich relies on the combination of one or more tension springs (17) or compression springs (55) in combination with a shock absorber (21 or 56). Dittrich relies upon conventional suspension technology in which one or more spring members provide bias to maintain the system in a desired position, while a separate damping member, such as a shock absorber, dampens movement of the system into an out of its desired position.

Conventional systems, such as Dittrich, are difficult to adjust due to the fixed spring constant of the spring member and its interplay with the dampener. These systems rely on positional changes of the spring member to adjust the desired spring force. For instance, Dittrich relies upon manual movement of a slidable adjustment member 27 (Figures 3 and 4) for adjustment of tension spring 17.

In addition, such conventional suspension systems typically develop problems during long term use due to wear and failure of the dampener. When the dampener wears out or fails, the spring member controls movement of the system, which results in rapid movements (snap back) or overcorrections (bouncing). Thus, when the dampener of the Dittrich system fails, the cantilever boom 3 and the hoop may quickly snap upward after a slam dunk and bounce up and down as it returns to its desired position, which can be dangerous for the players.

In contrast, independent claims 1 and 15, as amended, recite a shock-absorbing basketball goal system that uses a compression gas spring or a gas shock to absorb and dampen downward shocks to the neck by permitting movement of the neck from an original position. As recited therein, the compression gas spring or gas shock provides the sole upward force at the distal end of the neck for maintaining the neck in the original position. This inventive subject matter is not taught or suggest by Dittrich, either alone or in combination with Dupre.

Accordingly, Applicant respectfully submits that independent claims 1 and 15, and claims 5, 6, 10, 12, 15, 18, 19 and 21-22 depending therefrom, are allowable over the prior art of record.

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*Conclusion*

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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